

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

SEAGEN INC.,

Petitioner,

v.

DAIICHI SANKYO CO., LTD.,

Respondent.

Case No. 2:22-cv-01613-TL

**JOINT STATUS REPORT AND DISCOVERY
PLAN**

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DISCOVERY PLAN**
Case No. 2:22-cv-01613-TL

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Pursuant to Federal Rule of Civil Procedure 26(f), Local Civil Rule 26(f), and this Court's Order of November 17, 2022 (Dkt. No. 30), Petitioner Seagen Inc. ("Seagen") and Respondent Daiichi Sankyo Company, Limited ("DSC") (collectively, the "Parties") hereby jointly file this Joint Status Report and Discovery Plan.

I. JOINT STATUS REPORT

Numbered responses below correspond to the paragraph numbers from the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, dated November 17, 2022 (Dkt. No. 30).

1. Statement of the nature and complexity of case.

This is a proceeding under the Federal Arbitration Act (9 U.S.C. § 10) seeking to vacate an arbitration award. The arbitration award was rendered on August 11, 2022 in the following arbitration: *Seagen Inc. v. Daiichi Sankyo Co., Ltd.* (International Center for Dispute Resolution Case No: 01-19-0004-0115).

2. Consent to assignment to a full-time Magistrate Judge.

The Parties do not consent to assignment to a Magistrate Judge.

3. A proposed deadline for joining additional parties.

No additional parties need to be joined in this case.

4. For class action cases only: a proposed deadline for the filing of the motion for class certification.

N/A.

5. Discovery plan.

(A) Initial disclosures.

The Parties conducted discovery in the underlying arbitration. No discovery is required in this case.

(B) Subjects, timing, and potential phasing of discovery.

No discovery is required in this case.

(C) Electronically stored information.

No discovery is required in this case.

(D) Privilege issues.

No unique privilege issues exist at this time. The Parties will assert privilege consistent with court rules and the law.

(E) Proposed limitations on discovery.

No discovery is required in this case.

(F) The need for discovery related orders.

No discovery is required in this case.

6. The Parties' views, proposals, and agreements per Local Rule 26(f)(1).

(A) Prompt case resolution.

Seagen's response: Seagen requests this case be resolved through briefing and oral argument. Seagen has filed its opening brief in support of its petition to vacate the arbitration award (Dkt. No. 11), and the petition will be fully briefed by the February 10, 2023 noting date (*see* Dkt. No. 47). The record has already been created at the arbitration hearing.

DSC's response: DSC believes that this case can be resolved based on the Parties briefing unless the Court desires oral argument.

(B) Alternative dispute resolution.

The Parties do not agree that this case may be amenable to Alternative Dispute Resolution at this time, but agree to continue to consider Alternative Dispute Resolution throughout the pendency of the proceeding.

(C) Related cases.

A declaratory judgment action brought by DSC at District of Delaware, *Daiichi Sankyo Company, Limited v. Seagen Inc.* (DDE-1-19-2087).

(D) Discovery management.

At this time, the Parties do not believe that discovery will be required. If a stipulated protective order for the protection of confidential or privileged information becomes necessary, the Parties will propose and use the Model Protective Order provided by this Court.

(E) Anticipated discovery sought.

No discovery is required in this case.

(F) Phasing motions.

The Parties anticipate that the issues in this case can be decided on motions practice alone.

(G) Preservation of discoverable information.

There are no known preservation issues at this time.

(H) Privilege issues.

Issues concerning attorney-client privilege, work product, and proprietary trade secrets are possible, but not anticipated. In the event of inadvertent disclosure of information claimed to be privileged, the Parties will follow the procedure set forth in Fed. R. Civ. P. 26(b)(5)(B) and FRE 502(b).

(I) Protocol for discovery of ESI.

No discovery is required in this case.

(J) Alternatives to the Model Protocol.

N/A.

7. The date by which discovery will be completed.

No discovery is required in this case.

8. Whether the case should be bifurcated, *e.g.*, by trying the liability issues before the damages issues, or bifurcated in any other way.

None at this time.

9. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k) and 16.1 should be dispensed with in whole or in part for economy.

May be dispensed with entirely.

10. Whether the parties intend to utilize the Individualized Trial Program set forth in Local Civil Rule 39.2.

The Parties do not intend to utilize the Individualized Trial Program.

11. Whether the parties intend to utilize any Alternative Dispute Resolution (“ADR”) options set forth in Local Civil Rule 39.1.

The Parties do not agree that this case may be amenable to Alternative Dispute Resolution at this time, but agree to continue to consider Alternative Dispute Resolution throughout the pendency of the proceeding.

12. Any other suggestions for shortening or simplifying the case.

The Parties anticipate that the issues in this case can be decided on motions practice alone and that a trial will likely be unnecessary.

13. The date the case will be ready for trial.

N/A.

14. Whether the trial will be a jury or non-jury trial.

N/A.

15. The number of trial days required.

N/A.

16. The names, addresses, and telephone numbers of all trial counsel.

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17. The dates on which the trial counsel may have conflicts or other complications to be considered in setting a trial date.

N/A.

18. Status of service.

Seagen's response: Seagen properly and timely served its petition on DSC via facsimile and email on November 10, 2022 within three months of the arbitration award. Following service by facsimile, Seagen promptly confirmed by first class air mail.

DSC's response: Seagen has not properly served DSC in accordance with the Federal Arbitration Act, 9 U.S.C. § 12 and/or Fed. R. Civ. Pro. Rule 4 within the time period authorized by the FAA.

19. Scheduling conference needs.

The Parties do not currently believe there is a need for a scheduling conference.

20. Status of corporate disclosure statement.

Seagen's response: Seagen filed a corporate disclosure statement on November 10, 2022 (Dkt. No. 3).

DSC's response: DSC filed a corporate disclosure statement on January 10, 2023 (Dkt. No. 54).

21. A certification that all counsel and any *pro se* parties have reviewed Judge Lin's Chambers Procedures, the Local Rules, General Orders, and the applicable Electronic Filing Procedures.

Seagen's response: All counsel of record for Seagen so certify.

DSC's response: All counsel of record for DSC so certify.

22. A certification that all counsel and any *pro se* parties have reviewed and complied with Judge Lin's Standing Order Regarding 28 U.S.C. § 455 and Canon 3 of the Code of Conduct for United States Judges.

Seagen's response: All counsel of record for Seagen so certify.

DSC's response: All counsel of record for DSC so certify.

Respectfully submitted this 12th day of January, 2023

By: /s/Christopher B. Durbin

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/s/Jack M. Lovejoy [with permission]

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